

FILED

OCT 11 2016

U.S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

No.

THREE HUNDRED THOUSAND
DOLLARS (\$300,000.00) U.S.
CURRENCY,

Defendant.

4:16 MC00577 JMB

CONSENT MOTION TO EXTEND TIME TO FILE COMPLAINT FOR FORFEITURE

Comes now the United States of America, by and through its attorneys, Richard G. Callahan, United States Attorney for the Eastern District of Missouri, and Richard E. Finneran, Assistant United States Attorney for said District, with the consent of counsel for Qing Yang, and respectfully moves this Court to extend the time in which the United States is required to file a verified complaint for forfeiture and in support of its Motion states as follows:

1. On April 8, 2016, \$300,000.00 U.S. Currency was seized from Qing Yang and Long Shui Yang.
2. All of the written notice of intent to forfeit required by Title 18, United States Code, Section 983(a)(3)(A) to be sent by the Drug Enforcement Administration to interested parties has been sent.
3. The time has expired for any person to file an administrative claim to the property under Title 18, United States Code, Section 983(a)(2)(A)-(E).

4. The only person to file an administrative claim to the defendant property with the Drug Enforcement Administration was Qing Yang. Mr. Yang's claim was filed with the Drug Enforcement Administration on July 15, 2016.

5. Title 18, United States Code, Section 983(a)(3)(A) provides as follows:

Not later than 90 days after a claim has been filed, the Government shall file a complaint for forfeiture in the manner set forth in the Supplemental Rules for Certain Admiralty and Maritime Claims or return the property pending the filing of a complaint, except that a court in the district in which the complaint will be filed *may extend the period for filing a complaint* for good cause shown or *upon agreement of the parties*.

6. Accordingly, absent an order extending its time, the United States must either file a civil complaint for forfeiture of the above-captioned property or file criminal charges on or about October 13, 2016.

7. The United States and the only Claimant in this matter, Qing Yang, wish to extend the deadline for filing a civil complaint to permit additional time for plea negotiation. The parties anticipate they may be able to reach a resolution without the need for a judicial action. The government has discussed this request with the Claimant's counsel, David A. Kettel, and he does not object to this request.

8. The requested extension is in the interest of justice insofar as it avoids the need for duplicative actions and thereby conserves judicial and other governmental resources.

9. A proposed order is included herewith for the Court's consideration.

WHEREFORE, for the foregoing good cause, the Government respectfully requests that the deadline date to file a civil verified complaint against the property be extended until November 21, 2016.

Dated: October 11, 2016

Respectfully submitted,

RICHARD G. CALLAHAN
United States Attorney

/s/ Richard E. Finneran
RICHARD E. FINNERAN, #60768MO
Assistant United States Attorney
111 South 10th Street, Suite 20.333
Saint Louis, Missouri 63102
Telephone: (314) 539-2200

CERTIFICATE OF SERVICE

I hereby certify that on October 11, 2016, a copy of the foregoing was sent via first-class mail, postage prepaid and addressed to the following:

Qing Yang
3215 Adriatic Ave.
Long Beach, CA 90810-2336

David A. Kettel, Esq.
Attorney for Claimant
Theodora Oringer PC
1840 Century Park East, Suite 500
Los Angeles, CA 90067-2120

Adam Y. Chang, Esq.
Kundani & Chang LLP
155 N. Riverview Dr., Suite 212
Anaheim Hills, CA 92808

/s/ Richard E. Finneran
RICHARD E. FINNERAN, #60768MO
Assistant United States Attorney